

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

FRED BISEL)
31799 State Route 83 N) Case No: 2:14-cv-58
Coshocton, Ohio 43812)
Plaintiff,) JURY DEMAND REQUESTED
v.) CIVIL COMPLAINT
CBE GROUP, INC.) (Unlawful Debt Collection Practices)
c/o CSC-LAWYERS INCORPORATING)
SERVICE)
50 W. Broad Street, Suite 1800)
Columbus, Ohio 43215)
Defendant.)

COMPLAINT

PLAINTIFF, Fred Bisel (Plaintiff), by his attorneys, KAHN AND ASSOCIATES, L.L.C., alleges the following against DEFENDANT, CBE Group, Inc. (Defendant):

INTRODUCTION

1. Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, *15 U.S.C. 1692 et seq.* (FDCPA).

JURISDICTION AND VENUE

2. Jurisdiction of this court arises pursuant to *15 U.S.C. 1692k(d)*, which states that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy," and *28 U.S.C. 1367* grants this court supplemental jurisdiction over the state claims contained therein.
3. Because Defendant conducts business in Ohio, personal jurisdiction is established.
4. Venue is proper pursuant to *28 U.S.C. 1331(b)(2)*.

PARTIES

5. Plaintiff is a natural person who resides in the City of Coshocton, Coshocton County, Ohio and is allegedly obligated to pay a debt, and Plaintiff is a "consumer" as that term is defined by *15 U.S.C. 1692a(3)*.
6. Pursuant to the definitions outlined in *15 U.S.C. 1692a(1-6)*, Defendant is a debt collector and sought to collect a consumer debt from Plaintiff which was allegedly due and owing from Plaintiff, and Plaintiff is a consumer debtor.
7. Defendant is an Iowa corporation and debt collector with an office in Waterloo, Iowa.
8. Defendant uses instrumentalities of interstate commerce or the mails in any business the principal purpose of which is the collection of any debts, or who regularly collects or attempts to collect, directly or indirectly, debts owed or due or asserted to be owed or due another and is a "debt collector" as that term is defined by *15 U.S.C. § 1692a(6)*.
9. Defendant is a collection agency that in the ordinary course of business, regularly, on behalf of itself or others, engages in debt collection.

FACTUAL ALLEGATIONS

10. Defendant is seeking to collect an allegedly due and owed consumer debt obligation from the Plaintiff that was incurred for personal, family, or household purposes.
11. Defendant, using telephone number 515.344.3912, has placed calls to Plaintiff's parents at telephone number 740.622.0773. Defendant has discussed this debt

with Plaintiff's mother, Rose Mary Phillabaum, disclosing that Plaintiff owes a debt.

12. In discussing the Plaintiff's debt with Plaintiff's mother, Defendant has requested that the Plaintiff's mother pay his debt and has placed calls to her up to three to four times per day. Defendant has persisted in calling the Plaintiff's parents even after receiving the Plaintiff's contact information.

13. Defendant is placing calls to Plaintiff's parents for the purposes of annoying or harassing the Plaintiff and in attempt to coerce him into paying the underlying debt.

COUNT I

DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT

14. Defendant violated the FDCPA based on the following:

- a. Defendant violated §1692c(b) by, without the prior direct consent of the consumer, communicating with any person other than the consumer, his attorney, a consumer reporting agency if otherwise permitted by law, the creditor or attorney's creditor, or the debt collector's attorney.
- b. Defendant violated §1692d by engaging in conduct the natural consequence of which is to harass, oppress, or abuse any person in connection with the collection of a debt.

WHEREFORE, Plaintiff, Fred Boisel, respectfully requests judgment be entered against Defendant, for the following:

15. Statutory damages of \$1000.00 pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*,
16. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*
17. Any other relief that this Honorable Court deems appropriate.

DEMAND FOR JURY TRIAL

Plaintiff, Fred Bisel, requests a jury trial in this case.

RESPECTFULLY SUBMITTED,

KAHN & ASSOCIATES, L.L.C.

/s/ J. Daniel Scharville

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